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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,508	03/20/2001	Hideki Ohkita	279260 T3AS-01S008-1	8908

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/10/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

8

## Office Action Summary

Application No.

09/811,508

Applicant(s)

OHKITA, HIDEKI

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment (25 February 2004).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5&7.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

2. Figures 3 and 11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl, WO 99/27710.

In considering claims 1-4 and 12-13

*a) the claimed video receiving means...* is met by controller/DTV 14 which receives the synthesized video via peripheral device 12 (Fig 2) via a composite video link.

*b) the claimed synthesizing means...* is met by the overlay function of DTV 14 which overlays TV applications with the combined video/OSD data from the peripheral device

*c) the claimed display means...* is met by the display of DTV 14 (Fig 2)

*d) the requesting means...* a subregion request 30 (d) from controlling device 14 (sub-video synthesis status checking means).

*e) the claimed checking means...* is met by the response from subregion request 30, which is OSDUB (Fig 6).

*f) the claimed controlling means* is met by controlling device 14 then controls (sub-video controlling means) the display based upon the notification of OSD data from peripheral device 12. The IEEE1394 communication interface is also used to transmit the video data along with the OSD data although they are overlayed in the controlling device 14 (DTV) via an overlay function prior to display.

However, Stahl discloses the use of two different embodiments, where in the 1<sup>st</sup> embodiment shown in Fig 2, comprises a VCR which sends the transmitted video and OSD information already overlayed to display 14. In another embodiment Fig 3, the VCR 12 sends the information via bus IEEE-1394, where the MPEG signal and bitmapped menu are transmitted separately over the bus. The 2<sup>nd</sup> embodiment is where the request/checking/controlling limitations of the above claims are met.

The question of obviousness is it obvious to combine Figures 1 in 2, where embodiment 1 is modified to incorporate the use of a bus (IEEE-1394) or embodiment 2 is modified to incorporate an overlay function into the VCR.

The examiner's position is these are obvious modifications, since the concept of utilizing a bus or incorporating an overlay into a VCR are well-known as shown in the reference.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the embodiment of Figure 3 by synthesizing/overlaying the video and OSD data prior to transmission to the controlling device 14 as done by Stahl in the previous embodiment Figure 2, or modifying the embodiment of Figure 2 to include a bus (IEEE-1394) which implements the requesting/checking of OSD information status requests, where both modified embodiments would provide the user a display which displays the TV information along with the video/OSD data from the peripheral device in a manner which are all visible to the viewer.

In considering claims 5 and 14,

*The claimed wherein said sub-video controlling means changes a display form...* is met by DTV 14 which receives the location and size of the digital data received from peripheral device 12.

In considering claims 6 and 15,

*The claimed wherein said sub-video controlling means recovers the display form...* is met where the overlay function of the DTV 14 (Fig 2, 3) overlays data that is received, thus if no data is received from the peripheral device then no overlaying of peripheral data (OSD) will occur and the display will return/recover to the non-overlay of OSD data display, thus displaying the TV application or video/digital tape from the peripheral device.

In considering claims 7 and 16,

Stahl does not explicitly disclose not overlapping of the sub-video synthesized and sub-video to be synthesized. Stahl does disclose a system which is able to

display a peripheral devices 12 image information (video/digital tape) along with generated OSD data which is also combined/synthesized with the controller (TV/DTV, Fig 2/4) TV application and state machine information. Stahl also discloses that the received data from the peripheral device also includes the location and size of the data. Stahl does discloses that OSD information (page 15, line 1-14) may be redrawn to occupy a different portion of the screen based upon height/width of the OSD block and the transmission format.

The placement/resizing of multiple images/data of a display are conventional in the art. Thus the examiner takes "OFFICIAL NOTICE" in regards to a system that prevents overlap of two images on the display in order to provide the viewer the ability to view all displayed images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stahl, which discloses the overlaying/synthesizing of multiple images/data on a display, by controlling the overlaying operation to ensure that all images displayed are viewable to the user.

In considering claims 8-9 and 17-18,

Stahl does not explicitly disclose identifying the sub-video showing whether the displayed sub-video is from the video processing device (controller) or from the video transmitting device (peripheral).

Stahl does disclose a system which is able to display a peripheral devices 12 image information (video/digital tape) along with generated OSD data which is also combined/synthesized with the controller (TV/DTV, Fig 2/4) TV application and state

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machine information. Stahl also discloses that the received data from the peripheral device also includes the location and size of the data.

The identifying of a displayed information as to which source the information is from is conventional in the art. Thus the examiner takes "OFFICIAL NOTICE" in regards to a system which includes multiple images from different sources to identify which information is from which source to inform the viewer the source of the information (i.e. PIP on a TV/VCR).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stahl which discloses overlaying/synthesizing of multiple images/data on a display, by controlling the overlaying operation to identify which images are from which source to inform the user the source of information.

In considering claims 10 and 19,

*The claimed further comprising input means for inputting user operations...* is met by remote control 13 (Fig 2,4) where the user is able to switch/control the peripheral device.

In considering claim 11,

*a) the claimed a transmitting mechanism...* is met by VCR 12 which transmits the signals via MPEG encoder 15 (Fig 2) or via IEEE-1394 bus (Fig 3).

*b) the claimed a receive status request mechanism...* is met by VCR 12 which receives the subregion request 30 from display 14 (Fig 6).

*c) the claimed a transmit status mechanism...* is met by the response sent in replay to subregion request 30, which is OSDUB (Fig 6).

*d) the claimed a video processing device...* is met by display 14 (Figures 2,3) which overlays the TV application w state marching onto the received signals from VCR 12.

*e) the claimed a transmit status request...* a subregion request 30 (d) from controlling device 14 (sub-video synthesis status checking means).

*f) the claimed a status check mechanism...* is met by the response from subregion request 30, which is OSDUB (Fig 6).

*g) the claimed a control unit...* is met by controlling device 14 then controls (sub-video controlling means) the display based upon the notification of OSD data from peripheral device 12. The IEEE1394 communication interface is also used to transmit the video data along with the OSD data although they are overlayed in the controlling device 14 (DTV) via an overlay function prior to display.

However, Stahl discloses the use of two different embodiments, where in the 1<sup>st</sup> embodiment shown in Fig 2, comprises a VCR which sends the transmitted video and OSD information already overlayed to display 14. In another embodiment Fig 3, the VCR 12 sends the information via bus IEEE-1394, where the MPEG signal and bitmapped menu are transmitted separately over the bus. The 2<sup>nd</sup> embodiment is where the request/checking/controlling limitations of the above claims are met.

For motivation/comments refer to claim 1 above.

### **Conclusion**



4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—please refer to newly cited references on attached form PTO-892.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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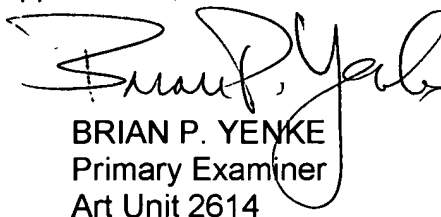
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The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and

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applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



BRIAN P. YENKE  
Primary Examiner  
Art Unit 2614



B.P.Y.  
06 May 2004